

## REMARKS

Claims 1-29 remain pending in this application. In the Office Action, claims 1, 5, 15, 16, 18, 19 and 23-25 were rejected. Applicants hereby respond and traverse the rejections as follows.

Applicants thank the Examiner for the identification of claims 2, 3, 12, 26 and 29 as allowable if they are rewritten in independent form including all of the limitations of the base claim and any intervening claims. In addition, Applicants thank the Examiner for identifying claims 4, 7-14, 17, 20-22, 27 and 28 as being allowable because they depend from claims 2, 3, 12, 26 and 29, respectively. Applicants have deferred making these amendments until a later time, as Applicants believe that the claims as presented are allowable for the reasons cited below.

Applicants request clarification as to the status of claim 6. At page 1, the Office Action indicates that claim 6 has been objected to but has not been rejected. At page 2, however, the Office Action indicates that claim 6 stands rejected under 35 U.S.C. § 103(a). Applicants therefore request clarification as to whether claim 6 presently stands rejected or not.

### Response to Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 5, 15, 16, 18, 19 and 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 4,003,614, issued to Geer et al. (hereafter "Geer") in view of U.S. Pat. No. 5,066,055, issued to Saitoh, et al. (hereafter "Saitoh"). In addition, claim 6 may stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Geer in view of Saitoh. Applicants respectfully request reconsideration and withdrawal of these rejections.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2143. Applicant respectfully submits that the Office Action does not establish that these criteria have been met and therefore does not establish a *prima facie* case of obviousness. As more specifically discussed below, there is no suggestion or motivation to combine the teachings of Geer and Saitoh to achieve the claimed invention. *See* MPEP §

2143.01. Moreover, even if it were proper to combine Geer and Saitoh, that combination would not teach or suggest all of the features of the subject claims.

Claim 1 is directed to a latching system including a base, a closable member, an elongated member and a latch plate assembly. The elongated member is rotatably secured to the closable member. A first connector and a rotator clevis are secured to the elongated member. The latch plate assembly is hingedly secured to the closable member. The latch plate assembly includes a handle and a latch lever extending from the handle. The latch lever is in mechanical communication with the rotator clevis. In this configuration, hinging the handle causes the elongated member to rotate. Each of claims 5, 6, 15, 16, 18 and 19 depends from and includes all of the features of claim 1.

Claim 23 is directed to a latching system for securing a first object to a second object. The latching system includes a shaft assembly secured to the first object, a hinged plate assembly secured to the first object and at least one keeper secured to the second object. The shaft assembly includes an elongated member having at least one connector and a rotator clevis secured thereto. The hinged latch plate assembly includes a handle and a latch lever in mechanical communication with the rotator clevis. In this configuration, hinged movement of the handle causes rotational movement of the elongated member and cooperation between the at least one connector and the at least one keeper. Each of claims 24 and 25 depends from and includes all of the features of claim 23.

In rejecting the subject claims, the Examiner suggests that the link members (21) disclosed in Geer (col. 4, lines 17) correspond to the “rotator clevis” recited in the rejected claims. The Examiner asserts that Geer discloses a “closable member” (12, 13 and 14) and an “elongated member” (20). The elongated member (20) is a pivot pin that is fixed to element 14 of the closable member. A hook/connector (19) is rotatably mounted on the elongated member/pivot pin (20). As the Examiner notes, however, the elongated member pivot pin (20) is not rotatably secured to the closable member (12, 13 and 14). Instead, the elongated member/pivot pin (20) is fixed to element 14 of the closable member. Thus, movement of the handle (16) is not intended to cause and does not cause rotational movement of the elongated member/pivot pin (20). For ease of reference, FIGs. 2 and 4 of Geer are shown below.

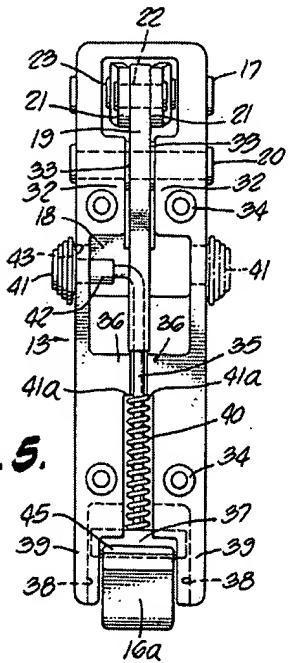
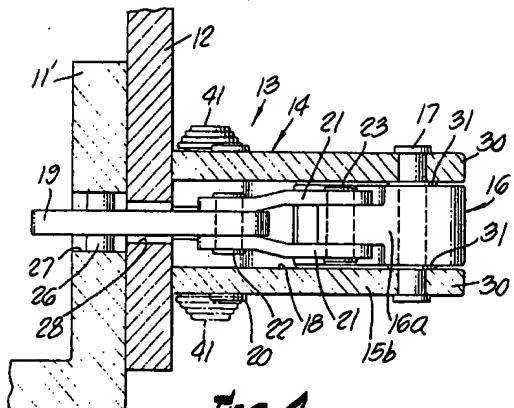
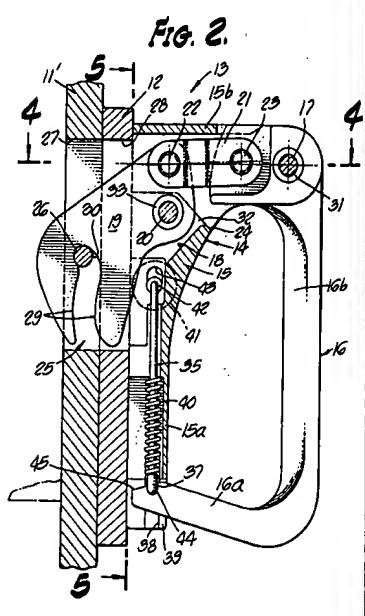
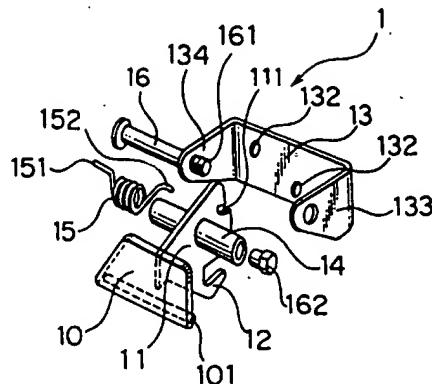


FIG. 5.

Saitoh discloses a locking device for a closable hood that includes a hook/connector (12) with an integrated tubular pivot shaft (14). The pivot shaft is supported by a pivot pin (16), which is inserted through the pivot shaft (14) and is secured to a bearing plate (13) mounted to the closable member (3). For ease of reference FIG. 6 of Saitoh is shown below.

FIG. 6



The Examiner suggests that it would have been obvious to one of ordinary skill in the art of latches to modify the handle mechanism shown in Geer so that the elongated member/pivot pin (20) and the hook/connector (19) are a one-piece construction similar to that of the Saitoh hook/connector (12) and pivot shaft (14). Applicant respectfully disagrees. As explained above, the handle mechanism of Geer is designed to operate without causing rotational movement of the elongated member/pivot pin (20). There is no motivation in the cited references to modify it to do so.

As the Manual of Patent Examining Procedure recognizes, an assertion that modifications of the prior art would have been "well within the ordinary skill of the art at the time the claimed invention was made" is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. MPEP § 2143.01. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *Id.* Here, again, nothing in the prior art suggests any objective reason or desirability to modify the hook of Geer to include a pivot shaft as shown in Saitoh.

The Examiner contends that making the proposed modification would be simply a design choice that would not affect the latch mechanism. As set forth in the Manual of Examining Procedure, however, where a proposed modification renders the prior art invention being modified unsatisfactory for its intended purpose, there is no suggestion or motivation to make the proposed modification. MPEP § 2143.01. Here, if one were to make the Examiner's proposed

modification, it would render the locking handle of Geer inoperable and unsatisfactory for its intended purpose. As shown in FIG. 5 of Geer, the hook/connector (19) is flat and fits closely into a narrow slotted cavity formed in the mounting bracket (14) between facing projections (32). If one were to modify the hook/connector (19) as the Examiner proposes, it would have an integrated pivot shaft projecting laterally on either side of the flat hook. Such shaft projections, however, would prohibit the hook (19) from fitting into the narrow slotted cavity of the mounting bracket (14), and the locking handle could not be assembled as shown in Geer. As a result, the modification would render the locking handle of Geer unsatisfactory for its intended purpose. Consequently, Applicants respectfully contend that there is no suggestion or motivation in the prior art to make the proposed modification.

Because there is no suggestion or motivation to combine the teachings of Geer and Saitoh to achieve the latching system of claims 1, 5, 6, 15, 16, 18, 19 and 20-23, Applicants respectfully submit that those claims are patentable over Geer and Saitoh.

Even if it were proper to combine Geer and Saitoh, Applicant respectfully suggests that that combination would not teach or suggest all of the features of claims 1, 5, 6, 15, 16, 18 and 19. At the very least, the proposed combination of Geer and Saitoh does not teach or suggest “an elongated member rotatably secured to said closable member, said elongated member including a first connector, and a rotator clevis secured to the elongated member” (emphasis added), as recited the subject claims. The Examiner asserts that the pivot pin (20) of Geer corresponds to the “elongated member” of the subject claims and that the link members (21) of Geer correspond to the “rotator clevis” recited in the subject claims. As shown in FIG. 2, however, Geer discloses that the link/rotator clevis (21) is not secured to the pivot pin/elongated member (20). Instead, it is secured to a different pivot pin (22).

Similarly, even if it were proper to combine Geer and Saitoh, that combination would not teach or suggest all of features of claims 23-25. At the very least, the proposed combination of Geer and Saitoh does not teach or suggest that “the shaft assembly includes an elongated member having at least one connector and a rotator clevis secured thereto” (emphasis added), as recited in the subject claims. As explained above, the pivot pin/elongated member (20) disclosed in Geer does not have the link/rotator clevis (21) secured to it. Rather, the link/clevis is secured to another pivot pin (22).

Response to Office Action dated October 3, 2005  
US Patent Application No. 09/884,706

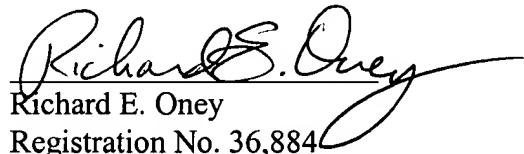
For at least the foregoing reasons, Applicants respectfully submit that claims 1, 5, 6, 15, 16, 18, 19 and 23-25 are patentable over Geer and Saitoh, taken either alone or in combination.

#### Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

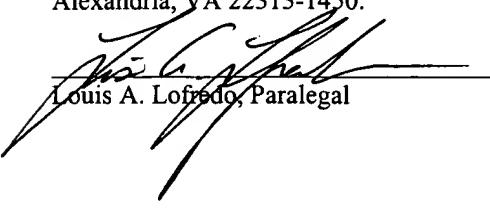
Dated: April 3, 2006

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#### CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. § 1.10

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I hereby certify that this paper and all documents and any fee referred to herein are being deposited on the date indicated above with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, postage prepaid and addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Louis A. Lofredo, Paralegal

4-3-2006  
Date of Signature